

REMARKS:

- 1) This Response to the Final Office Action does not raise any new issues that would require further search or consideration, and does not raise the issue of new matter, and does not increase the total number of claims, and aims to place the application in better form for appeal by materially reducing or simplifying the issues for appeal if that would become necessary. Particularly, this Response merely addresses the issue of new matter asserted in the Final Office Action, and amends the remaining claims to adopt and incorporate the allowable subject matter indicated in the Final Office Action. Thus, this Response is submitted to place the application into allowable condition without requiring further examination. Therefore, entry of this Response after the Final status is appropriate, and is respectfully requested.
- 2) The Examiner's attention is directed to the enclosed Terminal Disclaimer relative to US Patent 7,550,218. This Terminal Disclaimer is being filed to preclude and avoid any possible question or assertion of obviousness-type double patenting relative to US Patent 7,550,218. Please enter and record the Terminal Disclaimer. The Terminal Disclaimer fee is covered in the accompanying Credit Card Payment Form PTO-2038.
- 3) Referring to item 12) of the Office Action Summary, please acknowledge the foreign priority claim and receipt of the Certified Copy of the Priority Document, which was submitted

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through the International Stage processing of this PCT-based application.

- 4) Referring to section 1) on page 2 of the Office Action, the specification has been amended to remove the asserted new matter that was allegedly introduced in the prior amendment.

The expression "or take-off" has been deleted, because it is not necessary for a proper understanding of the invention. A person of ordinary skill in the art reading the specification will understand that the term "start" in relation to an aircraft refers to the "take-off" of an aircraft. The original specification of this application was a direct literal translation of the German language text of the counterpart PCT International Application PCT/DE 2003/003477. The corresponding sentence at page 3 lines 21 to 24 of the counterpart German text of the PCT International Application reads "Die Brennkammern dienen dem Start der Gasturbine und der Hochtemperatur-Brennstoffzellen sowie einer kurzzeitigen Erhöhung des Luftdurchsatzes der Gasturbine, beispielsweise zum Start eines Luftfahrzeuges" (underlining added, which directly translates as "for the start of an aircraft"). The German word "Start" directly literally corresponds to the English word "start", but in the context of "the start of an aircraft" it is understood to mean the "take-off" of an aircraft. According to our application transmittal letter of April 22, 2005, the entire disclosure of the PCT International Application was incorporated into this US National Phase Application. Clarifying or correcting the translation of the International Application as used for the US

National Phase Application does not introduce any new matter. Nonetheless, because the US text is understandable without the clarified term "take-off", that term has simply been deleted in order to avoid any question or issue regarding new matter, and thereby expedite the prosecution.

The term "pre-compressed" has been revised back to "compressed", because the invention is fully and clearly understandable based on the original disclosure as well.

In view of the above, the Examiner is respectfully requested to withdraw the objection under 35 USC 132(a) based on alleged new matter.

5) The claims have been amended as follows.

Independent claim 1 has been amended to incorporate the subject matter of prior claims 29 and 30.

Claims 29, 30, 34, 35, 37 and 43 have been canceled.

Several dependent claims have been amended slightly for streamlining, conformance with the amended independent claim, and clerical improvement.

New claims 47 to 50 have been added. New independent claim 47 is based on a combination of prior claims 1 and 35. New claims 48, 49 and 50 are respectively based on prior claims 34, 43 and 37, depending from new claim 47.

These amendments, which merely involve claim combinations and minor streamlining, do not introduce any new matter. Entry and consideration thereof are respectfully requested.

- 6) Referring to section 6 on page 4 of the Office Action, the indication of allowable subject matter in prior claims 30 to 33, 35, 36 and 38 to 43 is appreciated. The claims have been amended to incorporate the indicated allowable subject matter as follows.

Currently amended independent claim 1, incorporates the indicated allowable subject matter from prior claim 30 and intervening claim 29. Thus, claim 1 and its dependent claims 2, 25 to 28, 31 to 33, 36, 38 to 42, and 44 to 46 should now be allowable.

New independent claim 47 incorporates the allowable subject matter of prior claim 35 with prior claim 1. Therefore, claim 47 and its dependent claims 48 to 50 should now be allowable.

- 7) Referring to sections 4 and 5 on pages 3 and 4 of the Office Action, the rejection of claims 1, 2, 25, 26, 28, 29, 34, 37 and 44 to 46 as obvious over UK 2 338 750 and EP 0 964 466, and the rejection of claim 27 as obvious over the above references further in combination with WO 99/35702, have been obviated by the present amendments. Namely, the two independent claims 1 and 47 incorporate the indicated allowable subject matter of prior non-rejected claims 30 and 35 respectively. Therefore, the rejections do not apply against present independent claims 1 and 47 or their dependent claims. Accordingly, please withdraw the rejections.

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- 8) Favorable reconsideration and allowance of the application, including all present claims 1, 2, 25 to 28, 31 to 33, 36, 38 to 42, and 44 to 50, are respectfully requested.

Respectfully submitted,

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Enclosures:
Transmittal Cover Sheet
Terminal Disclaimer
Form PTO-2038

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CERTIFICATE OF FAX TRANSMISSION:

I hereby certify that this correspondence with all indicated enclosures is being transmitted by telefax to (571) 273-8300 on the date indicated below, and is addressed to: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

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